IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

OP.No. 14354 of 2003(H)

PETITIONER:

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1. P.J.AUGUSTINE, HEAD MASTER,
   ST.MARY'S IMMACULATE L.P.SCHOOL,
   EZHUPUNNA.

2. P.A.JOSEPH, CLERK, LADY OF LIFE,
   CHURCH HIGH SCHOOL, MATTANCHERRY.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR

RESPONDENTS:

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1. KERALA STATE FINANCIAL ENTERPRISES
   LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR,
   'BHADRATHA', P.B.NO.510, MUSEUM ROAD,
   THRISSUR - 680 020.

2. THE BRANCH MANAGER,
   KERALA STATE FINANCIAL ENTERPRISES LIMITED,
   KALLACHI, KOZHIKODE DISTRICT.

3. T.X.FRANCIS, THACHUPALLY HOUSE,
   PERUMPADAPPU, KOCHI-6.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.for R1 & R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Order on CMP 24116/03 in OP 14354/03

Dismissed

Sd/- Antony Dominic,Judge.

7/2/2007

Appendix

Petitioner's Exts:

Ext.P1 The photocopy of the letter No.1/98-5 dated 29.3.2003 of the 2nd respondent addressed to the Deputy Director of Education, Alappuzha.

Ext.P2 The photocopy of the salary recovery schedule dated 29.3.2003 issued by the 2nd respondent to the Headmaster of the School.

Ext.P3 The photocopy of the letter issued by the 2nd respondent to the Deputy Director of Education, Ernakulam No.1/98-5 dated 29.3.2003.

Ext.P4 The photocopy of the salary recovery schedule dated 29.3.2003 issued by the 2nd respondent to the Headmaster of the School.

Ext.P5 The photocopy of the order dated 30.9.2002 in CMP No.46928/2002 in OP No.27428/2002 of this Hon'ble Court.

Antony Dominic, J.
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O.P.No.14354 of 2003
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Dated this the 7th day of February, 2007.

JUDGMENT

This Writ Petition was filed at a time when recovery proceedings were initiated at the instance of respondents 1 and 2 against the petitioners herein. Pursuant to an order of this Court, a report was filed by the first respondent in which it is stated that the recovery proceedings initiated against the first petitioner was erroneously taken in as much as the correct name of the surety is N.J. Augustine and not P.J. Augustine as wrongly assumed by them. So far as the second petitioner P.A. Joseph is concerned, it is stated in the report that he has retired from service and hence, recovery cannot be continued. The recovery against the first petitioner was admittedly erroneous and the recovery against the second petitioner has also lapsed on account of his retirement.. In view of this, nothing further survives in this Writ Petition.

Recording the above submission made by the first respondent, this Writ Petition is closed.

Antony Dominic
Judge.

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